

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**TED STONE**

**PETITIONER**

**V.**

**NO. 1:14CV147-DMB-RP**

**CHRISTOPHER B. EPPS**

**RESPONDENT**

**ORDER**

Before the court is a “Motion to Compel” filed by Petitioner, Ted Stone, in which he asks the court to order the Inmate Legal Assistance Program (“ILAP”) to notarize an affidavit and mail his response to this court. *See* Doc. #41. Stone purportedly seeks this assistance to respond to an Order from this court that he “submit mail logs, affidavits, and/or additional information” pertaining to the timeliness of his notice of appeal. *See, e.g.*, Doc. #37.

The court is perplexed as to why Stone could not simply mail his supporting documents along with the instant motion, which was filed contemporaneously with his “Interim Response” to the court’s order. *See* Doc. #40. Moreover, it finds that an affidavit is not required for Stone to submit information to the court, as he may submit a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746. Therefore, the instant motion [41] is **DENIED**. Stone is **ORDERED** to submit a declaration setting forth the date that his notice of appeal was deposited in the prison’s mail system for mailing to this court within ten (10) days of the date of this Order.

**SO ORDERED** this the 6th day of November, 2017.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE